

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00365-MR**

QUINTEL D. ANDERSON,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
HENDERSON COUNTY,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on review of the file in this matter and on Plaintiff's Complaint [Doc. 1].

On December 30, 2021, Plaintiff filed a Complaint in this matter under 42 U.S.C. § 1983 and an application to proceed in forma pauperis. [Docs. 1, 2]. In Plaintiff's IFP application, Plaintiff attested that he was incarcerated and that he has no wages. [Doc. 2 at 1-2]. On January 4, 2022, the Clerk entered an Order for a certified copy of Plaintiff's most recent trust fund account statement for the six (6) month period immediately preceding the filing of the Complaint in accordance with 28 U.S.C. § 1915. [Doc. 4]. The Order was sent the same day to the Plaintiff and to the Henderson County Detention Center. [1/4/2022 Docket Entry]. The Detention Center never

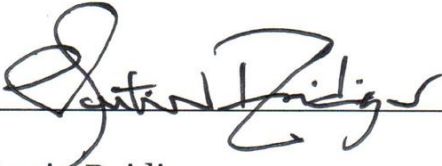
provided Plaintiff's most recent trust fund statement and no payments have been made toward Plaintiff's filing fee. On March 14, 2022, Plaintiff filed a Notice of Change of Address reflecting his current address in Zirconia, North Carolina, and that he has, therefore, been released from custody. [See Doc. 7].

Given that Plaintiff is no longer incarcerated, has relocated, and may no longer be eligible for IFP status, the Court will order the Plaintiff to either pay the filing fee or to file an Amended Application. Should the Plaintiff choose to file an Amended Application, he should use and complete in full the Application to Proceed in District Court without Prepaying Fees or Costs (Long Form) (AO 239), which is available through the Court's website, <http://www.ncwd.uscourts.gov>.

IT IS, THEREFORE, ORDERED that Plaintiff shall, within thirty (30) days of this Order, either pay the fee to file his Complaint or file an Amended Application, using AO Form 239. **Failure to pay the fee or to file an Amended Application within the time required will result in the dismissal of this action without prejudice.**

IT IS FURTHER ORDERED that the Clerk's Order at Docket No. 4 is hereby **VACATED**.

Signed: March 17, 2022



Martin Reidinger
Chief United States District Judge

